

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NORMAN GOLDSMITH, :
Plaintiff, :
v. :
FRANKLIN COUNTY, et al., :
Defendants. :
3:16-CV-00952 :
(JUDGE MARIANI) :
FILED SCRANTON
FEB 28 2016

ORDER

AND NOW, THIS 28TH DAY OF OCTOBER, 2016, upon review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 20) for clear error and manifest injustice, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. 20) is **ADOPTED** for the reasons stated therein.
2. Defendants Christina Bird, Alicia Mongiovi, and Misty Butler's (hereinafter "Medical Defendants") Motion to Dismiss Plaintiff's Amended Complaint (Doc. 12) is **GRANTED IN PART AND DENIED IN PART**:
 - a. Medical Defendants' Motion to Dismiss Plaintiff Goldsmith's Eighth Amendment claim of failure to intervene is **GRANTED**.
 - b. Medical Defendants' Motion to Dismiss Plaintiff Goldsmith's Eighth Amendment claim of medical deliberate indifference is **DENIED**.
3. The case is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.

Robert D. Mariani
United States District Judge